

## DEVELOPMENT SERVICES DEPARTMENT

Administration 797-1101
Building & Occupational Licensing 797-1111
Code Compliance 797-1121
Engineering 797-1113
Planning & Zoning 797-1103

TOWN OF DAVIE

6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

(954) 797-1000

### MEMORANDUM DS 11-01-01

TO:

Thomas J. Willi, Town Administrator

FROM:

Mark A. Kutney, AICP, Development Services Director

DATE:

November 1, 2001

RE:

Residential/Office Comprehensive Plan

Attached please find pertinent information relating to the RO Zoning issue raised by Mr. Arnold at the October 3, 2001 Town Council meeting. I will be providing Council a brief and complete explanation of the issue at the November 7, 2001 Town Council meeting.

### RESIDENTIAL/OFFICE LAND USE CATEGORY

The Residential/Office category accommodates residential and limited nonresidential uses for application in areas where a transition is appropriate.

The permitted uses of the Residential/Office category include the following:

- 1. Residential dwelling units at a maximum density of five (5) units per acre
- 2. Home occupations and accessory uses
- Professional and business offices constructed and maintained to resemble a residential structure.
- 4. Community Facilities
- Agriculture
- Public and private utilities, provided such use does not preclude or adversely
  affect the future use of the surrounding area for residential/office purposes.
  Permitted utilities shall not include power plants, power plant substations,
  and transmission facilities.

### COMMERCE/OFFICE LAND USE CATEGORY

The Commerce/Office category is designed to encourage the development of commerce activities and offices for administrative, professional and business purposes in a campus-like setting. While the primary intent of this category is to provide employment generators, a limited amount of area may be devoted to employee services.

The permitted uses of the Commerce/Office category include the following:

- 1. Professional, business and financial offices and institutions.
- Educational, scientific and industrial research facilities, research laboratories, and medical or dental laboratories.
- Restaurants, retail establishments and personal services which shall not consume more than 20 percent of the gross floor area of any single development.
- Facilities for light fabrication which are operated entirely within an enclosed structure.
- Wholesale, storage and warehouse uses.
- Agriculture, until the area is converted to an urban use.

trict. The district permits these areas to continue to develop in nonresidential or commercial uses but requires better landscaping and vehicular access control. The development standards are also intended to promote the upgrading of existing land uses.

- (1) Residential/Office District. The RO District is intended to implement the residential/ office classification of the Town of Davie Comprehensive Plan by providing a buffer of professional offices and mixed residential and office development to surrounding residential areas. The intent of this district is to maintain the residential character of the neighborhood while permitting the development of professional offices.
- (2) Office District. The O District is intended to implement the office classification of the Town of Davie Comprehensive Plan by providing encouragement toward the development of a business and research office park with complimentary retail and service uses in an open and attractive manner.
- (3) Commerce Center District. The CC District is intended to implement the commerce/ office classification of the Town of Davie Comprehensive Plan by providing for development of office, research, business and light industrial complexes at suitable locations throughout the town. A commerce center development may serve as a major source of employment and will complement the appearance and welfare of the town. This district contains regulations designed to promote flexibility in planning and design.
- (4) Neighborhood Business (B-I) District. The B-1 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the local neighborhood shopping and personal service needs of a limited surrounding residential area. Retail stores permitted herein are intended to include mainly convenience goods which are usually a daily necessity for a residential neighborhood.

- (5) Community Business (B-2) District. The B-2 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods.
- (6) Planned Business Center (B-3) District. The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.
- (7) Light Industrial (M-1) District. The M-1 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for light industrial uses, such as research, development or fabrication of products, which make use of processes not likely to be objectionable to neighborhood properties because of noise, vibration, odors, smoke, air pollution, or other physical manifestations.
- (8) Medium Industrial (M-2) District. The M-2 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for medium industrial uses which, by their inherent nature or by virtue of the materials used, processes utilized or products produced, may involve some characteristics objectionable to or incompatible with residential areas. Hence, M-2 districts are not intended for locations abutting residential property.
- (9) Planned Industrial Park (M-3) District. The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier

# (B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

	sc	WT			TRICTS			
	& B-1	& B-2	& B-3	0	FB	00		
Adult Facilities	Ň	N	*	_		cc	C1	RO
Agriculture		TA .	*	N	N	N	N	N
Agriculture, Commercial					N	*	N	*
Amusement Parks	N	N	N	N	N	*	*	*
Animal Hospital	P	P	P	N	N N	N	N	N
Animal Kennel	Ñ	N	N	N	N	N N	P	N
Antique, Crafts Shops	P	P	P	N	N	N	P	N
Athletic/Health Clubs, Gyms	Ñ	P	P	N	P	*	N P	N
Art Gallery	P	P	P	P	P	N	N	N
Auction House	N		*	Ñ	N	N	*	N
Banks, Financial	P	P	P	P	P	P	N	N N
Bakery, Delicatessen	P	P	P	Ñ	P		P	N
Barber, Beauty Shops	P	P	P	N	P	*	P	N
Bars, Lounges	N	*	*	N	*	*		N
Bingo Establishments	N	1	1	N	N	N	*	N
Boat Yards	N	N	N	N	N	N	P	N
Bookstores, Newsstand	P	P	P	N	P	**	P	N
Botanical Gardens	N	N	N	N	P	N	P	N
Bottled Fuel	N	N	N	N	N	N	P	N
Bowling, Skating	N	P	P	N	N	N	P	N
Cabinet/Carpentry Shops	N	N	N	N	N	N	*	N
Car Wash	N	P	P	N	N	N	P	N
Catering (Food)	N	P	P	N	N	P	P	N
Communication Apparatus	*	*	*	*	*	*	*	*
Contractor, office only	P	P	P	P	N	P	P	P
Convenience Stores	P	P	P	N	*	N	P	Ñ
Dance Halls, Clubs Distribution Facilities	N	P	P	N	P	N	P	N
Dry Cleaning	N	N	N	N	N	N	P	N
Florist, Plant Shop	*	*	*	N	N	**	P	N
Game Room, Arcade	P	P	P	N	P	**	P	N
Gardenova Landarana Gardenova	N	P	P	N	N	N	P	N
Gardeners, Landscape Contractors Gift Shops	N	N	N	N	N	N	P	N
Golf Courses	P	P	P	N	N	**	P	N
Home Occupation	N	P	P	N	P	N	N	N
Hotels, Motels	N	N	N	N	N	N	N	P
Laboratories	N	N	* .	N	P	*	N	N
Light Fabrication	N	N	N	P	P	P	P	N
Machine Shop	N	N	N	P	N	P	P	N
	N	N	N	N	N	N	P	N

(B) COMMERCIAL, OFFICE AND BUSI GENERAL USE	NESS D	ISTRIC	TS					
OBNERAL OSE	SC & B-1	æ	de		TRICTS FB	cc	CI	
Medical Clinic, Doctor's Office	N	P	P	_				RO
Mini Warehouse/Self Storage	N	N	N	N N	N	P	N	N
Mobile Home Sales	N	*	14	N	N	*	•	N
Mortuary	N	P	P	N	N N	N	P	N
Motion Picture Studio	N	Ñ	Ň	N	N	N P	P P	N
Motor Fuel Pumps	N	*	*	N	*	N		N
Movie Theater, Performing Arts	N	P	P	N	P	N	N	N N
Night Clubs	N	*	*	N		**	14	N N
Nursery, Child Care Facility	*	*	•	N	*		N	N
Office	P	P	P	P	P	P	P	P
Office Equipment Sales	N	P	P	N	P		P	N
Parking Lot, Rental	N	P	P	N	*	N	Ň	N
Pawnshop	N	P	P	N	N	N	P	N
Personal Services	P	P	P	N	P	**	P	N
Pharmacy	N	P	P	N	P	*	P	N
Photographic Studio	P	P	P	N	P	P	P	N
Plant Nursery Pool Rooms	P	P	P	P	P	N	P	P
	N	P	P	N	N	N	P	N
Printer	N	P	P	N	P	P	P	N
Private Club	N	N	P	N	P	N	N	N
Radio or TV Station	N	N	N	N	N	P	P	N
Real Estate Office	P	P	P	P	*	P	P	P
Repair Shop, except vehicle or boat repair Research Facilities	N	P	P	N	N	N	P	Ñ
Residential Uses	N	N	N	P	P	P	P	N
	•	N	*	N	*			
Restaurants, Fast Food	N	P	P	N	P	N	P	N
Restaurant, Other Retail Sales Other	*	P	P	N	P	*	*	N
Sales Office	P	P	P	N	P	**	P	N
	P	P	P	P	P	P	P	P
Schools—Special, Private	N	*	•	*	•	N	N	N
Schools, Trade, Vocational and Other Service Stations	N	*	*	•	*	N	•	N
Short Matal Stan	N	N	*	N	N	N	*	N
Sheet Metal Shop	N	N	N	N	N	N	•	N
Special Residential Facilities	*	•	*	N	N	N	N	N
Sports Arena	N	N	N	N	N	N	N	N
Studios (Art, Music)	P	P	P	N	N	P	P	P
Truck, Auto, Trailer, Utility Rental	N	N	P	N	N	P	P	Ñ
Vehicle Customizing	N	N	N	N	N	N	P	N
Vehicle, Boat, Truck, Repair Major	N	N	N	N	N	N	•	N
Vehicle Repair, Minor	N	*	*	N		N	P	N
Vehicle Towing	N	N	N	N	+ -	N	*	N
Vehicle Boat, Truck Sales	N	N	•	N	N	*	P	N
Warehouse, Storage	N	N	*	N	*	*	:	N

§ 12-32

DAVIE CODE

(B) COMMERCIAL, OFFICE AND B GENERAL USE	USINESS DIS	(cont	(continued) DISTRICTS					
	SC &	WT	UC &	DIST	MOIS			
	B-1	B-2	B-3	0	FB	CC	C1	RO
Watchman's Apartment		N	-	N	N	*		N
Wholesale	N	P	P	N	NT	TO.	73	

P = Permitted by right in this district.
N = Not permitted in this district.

\* = Conditionally permitted subject to detailed use regulations (Section 12-34).

1 = Subject to detailed use regulations of Chapter 13, Article V of Davie Code of Ordinances.

\*\* = Limited to 20% of gross floor area

Permitted uses, specified under each zoning district, are intended to express the intent and purpose of that district. All uses are subject to General Regulations, Section 12-33 and Detailed Use Regulations, Section 12-34 of this Article.

- undercarriage screened from view by the use of decorative block or other similar materials.
- (Q) Industrial Activities: In the M-1, M-2, and M-3 districts the following uses are permitted:
- Educational, scientific, industrial research, office and business uses providing a minimum of five thousand (5,000) square feet of net building area.
- Retail and wholesale sales incidental to a permitted on-site use.
- (R) Mini-Warehouse/Self-Storage Facilities. Self-storage facilities shall be constructed and maintained in a separate, freestanding structure and there shall be no direct access to individual storage units from the exterior of the building.
- (S) Noxious Uses Prohibited. All uses which result in noxious odors, fumes, dust, dirt, noise, smoke or vibrations, or which the Town Council may determine to result in the generation of any hazards presenting a threat to public health, safety or general welfare shall be prohibited in all zoning districts. The use of outdoor loud speakers and other similar outdoor paging devices generating excessive noise shall be prohibited.
- (T) Permitted Outdoor Activities:
- (1) In the B-2, B-3, or SC or UC districts, owners of activities of a permitted use may apply for an occupational license for a tent sale, sidewalk sale or other outside activity limited to a three-day period, except for the outside activities occurring within the Western Theme District which may be permitted for a period of fourteen (14) consecutive days only, during any one thirty (30) day period. None of the activities authorized by this subsection shall be authorized more than six (6) times per year.
- (2) Yards or areas for the storage of equipment and supplies, as permitted in the C1, M-2 and M-3 districts, shall be enclosed as set forth in Section 12-33; how-

- ever, the display of new construction equipment, new farm machinery and new trucks is permitted without enclosure.
- (3) Any machinery utilizing motor(s) larger than twenty (20) horsepower shall be operated within a fully enclosed building.
- (U) Residential Agriculture: Residential agriculture in the RR, AG, A-1 and R-1 districts are [is] limited to noncommercial use, and provided no persons are employed on the premises who do not live in the dwelling unit.
- (V) Residential Office: Professional and business offices in the RO district shall be constructed and maintained to resemble a residential structure. Offices may not consume more than fifty (50) percent of a mixed use structure.
- (W) Residential Use of Nonresidentially Zoned Property:
- Residential development in the RO district is limited to a maximum density as permitted by the underlying residential designation on the Future Land Use Plan Map, in no event to exceed five (5) dwelling units per acre.
- (2) The residential use of property zoned CC, B-1, M-1, M-2, M3, C1, or FB shall be limited to the following:
  - (a) One (1) accessory residence may be permitted in conjunction with a permitted on-site use.
  - (b) The residence shall be for the exclusive use of a caretaker, night watchman or on-call attendant, and shall be clearly ancillary and incidental to the principal use of the property.
- (X) Restaurants:
- (1) In the CC district lunch counters, cafeterias and restaurants for occupants and employees of the CC development are permitted; however, such facility is restricted to occupants and employees only and is not available to the public.

# DIVISION 3. NONRESIDENTIAL DEVELOPMENT STANDARDS

# Sec. 12-83. Commercial Conservation Standards.

Table 12-83 presents the development standards that govern the construction of structures in the Commercial Conservation zoning districts. Sections 12-84 through 12-87 provide setbacks for nonresidential uses in the Urban Commercial (UC), Suburban Commercial (SC), Freeway Business (FB), and Business Park (BP) districts except where it is specifically indicated in this section that Section 12-88 may be used.

TABLE 12-83. CONVENTIONAL NONRESIDENTIAL DEVELOPMENT STANDARDS

District	rig - ary	Min. Lot Frontage (ft.)	Min. Lot Depth (ft.)	Front (ft.)	Min. Setbacks Side (each)	Rear (ft.)	Max. Height (feet)	Max. Building Coverage (ratio)	Min. Building Separation (feet)	Min. Open Space (ratio)
RO O CC B-1 B-2 B-3 C-1 M-1 M-2	17,500 5 ac. 2 ac. 35,000 52,500 43,560 43,560 35,000 35,000	100 165 165 150 200 150 150 100	200 200 250 —	25 30 60 25 d d e f	20 30 a 20 c d d e f	20 30 25 20 c d d e f	25 ft. 45 ft. 45 ft. 25 ft. 35 ft. 35 ft. 35 ft. 35 ft.	40% 40% 40% 40% 40% 40% 40% 40%	20 25 8 10 30 30	30% 30% 30%** 30% 30% 30% 20% 20% 20%
M-3 U NCF CF PCF RS CR	43,560 43,560 43,560 43,560 3 ac. 17,500 35,000	150  150 100 200  100		g 25 40 50 40 25 25	g 25 25 25 25 25 25 25	g 25 25 25 25 25 25 25 25	ft.*** 35 ft. h 35 ft. 35 ft. 25 ft. 25 ft. 35 ft.	40% 40% 40% 40% 40% 20% 40%	-	20% 30% 40% 30% 40% 65%

- a Side setback is a minimum five (5) feet each side, maximum twenty-five (25) feet each side. The total side setback requirement for both side lot lines combined shall equal ten (10) percent of the lot frontage.
- b Property abutting an interstate or parkway with a minimum elevation of twenty-five (25) feet for at least fifty (50) percent of the abutting property shall be subject to the following: Average elevation of abutting roadway multiplied by a factor of 2.
- c Twenty (20) feet on sides abutting residentially zoned properties and twenty-five (25) feet adjacent to public or private rights-of-way.
- d Twenty-five (25) feet; except fifty (50) feet on sides abutting residentially zoned, occupied or Land Use Plan-designated properties.
- e Twenty-five (25) feet from all street lines; fifty (50) feet for property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential use.
- f Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines

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- adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; one hundred twenty-five (125) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, excluding yacht manufacturing and repair.
- g Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and line, and for heavy manufacturing, fabrication and industrial uses.
- h Thirty (30) feet for buildings; three hundred (300) feet for radio, television, telephone or other communication tower.
- \*Maximum parcel size: five (5) gross acres
- \*\*The minimum OSR for vehicle, boat, truck and recreational vehicle sales and rentals in the CC District is .35.
- \*\*\*The maximum height of all yacht manufacturing and repair, and marina structures shall not exceed 55'. All other structures for related yacht manufacturing and repair, and marina uses shall not exceed 40' in height.
- (Ord. No. 90-4, § 7, 2-21-90; Ord. No. 91-33, 9-4-91; Ord. No. 97-9, § 3, 1-22-97; Ord. No. 2000-15, § 4, 5-17-00)

# DEVELOPMENT SERVICES DEPARTMENT 797-1111

Administration
Planning & Zoning
Building & Occupational Licensing
Code Enforcement
Community Redevelopment

### TOWN OF DAVIE 6591 OF

6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

(954) 797-1000

June 25, 2001

Ms. Edna Moore Blue Chip Properties 6553 Stirling Road Fort Lauderdale, FL 33314 FAXED for Expediency 954-792-5933

RE: Residential/Office Zoning District

Dear Ms. Moore:

This letter is in response to your June 20, 2001 inquiry about the use of property located within the Town of Davie Residential/Office (RO) Zoning District.

The prospective buyer, Communication Access Services, Inc. (CASI), has provided a letter that describes the business and what it requires in order to operate. The business conducted by CASI is clearly not consistent with the intent of professional office as required by the Land Development Code. CASI is a contractor that supplies equipment. The company is service oriented, conducts the majority of its business off site by its very nature, and requires storage directly related to off site activities. Therefore the proposed use by CASI does not meet the intent of the RO District and is not permitted.

For your reference below is a compilation of the portions of the Land Development Code that apply to the RO District. These passages should aid you in your endeavor to market this property.

Land Development Code Section 12-24(J)(1) states: The RO District is intended to implement the residential/office classification of the Town of Davie Comprehensive Plan by providing a buffer of professional offices and mixed residential and office development to surrounding residential areas. The intent of this district is to maintain the residential character of the neighborhood while permitting the development of professional offices.

The uses permitted by right within the RO District as stated in Section 12-32(B) are:

Contractor, office only Office Real Estate Office Studios (Art, Music) Home Occupation Plant Nursery Sales Office

The uses permitted conditionally within the RO District as stated in Section 12-32(B) are:

Agriculture Communication Apparatus Agriculture, Commercial Residential Uses

Land Development Code Section 12-34(V), Residential Office, states: Professional and business offices in the RO District shall be constructed and maintained to resemble a residential structure. Offices may not consume more than fifty (50) percent of a mixed use structure.

Land Development Code Section 12-34(W)(1), Residential Use of Nonresidentially Zoned Property, states: Residential Development in the RO District is limited to a maximum density as permitted by the underlying residential designation on the Future Land Use Plan Map, in no event to exceed five (5) dwelling units per acre.

Your letter stated the RO District requires both residential and office use, and allows for a Watchman's Apartment. The RO District does not require both office and residential use, but rather permits it, and Watchman's Apartment is a use specifically not permitted.

It is my hope that this clarification of the Land Development Code will be sufficient. Should you require further assistance you may call me at 797-1103.

The CLA

Christopher MGratz

Planner II

PZC 06-22-01

Fax (954) 792 5933



# Blue Chip Properties

EONA H. MOORE

NO. 1 PRIME PLAZA 0553 STIRLING RD. DAVIE FT. LAUDERDALE, PLORIDA 33314

June 20, 2001

PROM: Edna H. Moore, Lic. R.E. Broker t/a Blue Chip Properties

TO: Chris Gatz, Davie Development Dept.

Attached is complete information on the Thomas property on Orange Drive that we have been discussing along with a letter from the prospective buyer, Communication Access Services, Inc., explaining the way in which they plan to use the Residential/Office zoning.

The house has a very large room on the lowest of the three levels of the house. It was once a very big double garage with utility room. It is probably large enough to accommodate 800% storage room they need for any equipment that would be brought in. The top level of the house consists of three bedrooms which CASI may or may not use for residential occupancy by watchman or other employee. If R/O requires both office and residential use, that would, I'm sure qualify for it.

The buyer has indicated that the company may want to build a garage later, either attached to the house or separately on the very large back portion of the lot the house is on. The extra lot on the east side of the house is duly platted for another R/O building if the owner decides to use it. If you and/or other members of the department wish to inspect the property before issuing your opinion on its usage under R/O, I will gladly make an appointment. Please rush it.

The sellers were victimized for 20 years of trying to sell all or part of the originally four-acre property by ignorant Davie officials who insisted that nothing more could be built on it without its being platted anew. I finally consulted the Broward Planning Division which ruled (see letter and Michele Mellgren's Memo regarding it) that no such re-platting was necessary at all. Mrs. Thomas' first husband, Mr. Sowalski, pioneer Davie builder, built the house nearly 50 years ago and they raised their family there and died young of heart trouble. She and Mr. Thomas have lived there for more than 20 years. For many years, Marie Thomas was an active Davie citizen, serving on boards, etc., in spite of the fact that she was fighting cancer much of that time. Both Thomases worked as election officials for Davie in Town Hall until last year when he became disabled. He's 87. They deserve all consideration to get their property sold. They simply cannot take care of the large house (4000M+/-under roof) and keep the landscaping so lovelyin their physcial and financial condition.

Thanks for your help.

Jun-20-01 11:38A Kumar Kapersaud

9547916221

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# Communication Access Services, Inc.

ÇASI

3811 S.W. 47th Avenue, Suite 635 Ft. Lauderdale, FL 33314

Telephone (954) 791-6116 Fax (954) 791-6221

### Dear Sir/Madam:

I would like to take this opportunity to introduce Communication Access Services, Inc. (CASI), to you. CASI was established in 1991 to supply quality equipment to South and Central Florida. We specialize in low-voltage systems including:

- Burglar elarms
- Closed circuit TV
- Intercom
- Nurse call
- Time and control
- Voice and data networks
- Card access control
  - Infant and wanderer security systems
- Master antenna television
  - Pocket page
  - Sound reinforcement/Public address
- Hospital Beds

PLEASE NOTE THAT ALL WORK IS DONE AT CUSTOMERS' LOCATION EXCEPT FOR LIMITED TESTING OF SOME SYSTEMS.

CAST IS INTERESTED IN PURCHASING THE PROPERTY AT \$337 ORANGE DR. DAVIE, FL 33314

WE WILL LIKE TO USE THE PROPERTY FOR OUR BUSINESS. THE BUSINESS REQUIRES THE
FOLLOWING:

- The storage of spare parts and tools to include ladders and communication apparatus, we need approximately 800sq ft of space for storage.
- We sometimes receive deliveries of television, brackets and cables with 18-wheeler trucks.
- · We have UPS and Federal Express deliveries at least twice weekly.
- Office will consist of approximate 4 employees at all times.
- We will have up to 4 small vans parked evening and weekends.
- We will require at least 12 parking spaces for employees.
- There will not be large signs on the property.

Sincerely.

Kumar Kapersaud General Manager